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January 20, 2023

Via Email and ECF

The Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Santana, 18-cr-420-16 (ALC)

Dear Judge Carter:

We write to respectfully request the early termination of Edwin Santana's supervised release. The United States Probation Office supports this request, and the government has informed us that it defers to the Probation Office's judgment.

In July 2018, Edwin was released from a monthlong stint in federal detention and placed on pretrial supervision. Edwin faced many hardships during his pretrial release: his mother suffered a cerebral hemorrhage requiring hospitalization; his brother-in-law died

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unexpectedly; and, after the Covid-19 pandemic arrived, he lost his job. *See* Doc. No. 722 at 4-5. But in a telling sign of Edwin's rehabilitation, those stresses did not cause him to turn to criminal conduct. Instead, he received the Court's permission to care for his mother in Trenton, New Jersey; tried his best to "follow in his [brother-in-law's] footsteps and keep the family strong," PSR ¶ 79; and, rather than look for easy money, found a new job, with Amazon, within a month of being laid off, Doc. No. 722 at 5. He remained a devoted partner to his now-wife, Aleida Montanez; a "super hero" to his daughter, Doc. No. 722-5; and maintained a positive relationship with her mother, Michele Rosa. All the while, he earned his GED. *See* Doc. No. 722-6. Over three years of pretrial supervision, Edwin consistently was "fully compliant with the terms" imposed upon him. PSR ¶ 10. On July 11, 2021, this Court sentenced Edwin to time served and a five-year term of supervised release. *See* Doc. No. 730.

After considering certain factors in 18 U.S.C. § 3553(a), a court may end a term of supervised release following the first year "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). "Supervised release fulfills rehabilitative ends," *United States v. Johnson*, 529 U.S. 53, 59 (2000), and "[t]ermination is appropriate when the rehabilitative goals of supervised release may no longer be attained," *United States v. Thomas*, 346 F. Supp. 3d 326, 335 (E.D.N.Y. 2018). *See also Johnson*, 529 U.S. at 59 ("Congress intended supervised release to assist individuals in their transition to community life.").

Here, Edwin's model conduct after sentencing shows that additional supervised release is not necessary to afford adequate deterrence, protect the public, or provide training and treatment. *See* 18 U.S.C. § 3553(a)(2)(B)-(D). Edwin's behavior instead reveals a fully rehabilitated man who is eager to continue his upward trajectory and to make further positive contributions to his family and community.

Edwin's employment history is representative. Since the Court last saw him, Edwin has not merely maintained gainful employment; he has proactively sought to develop new skills and to safeguard his family's long-term financial health. He began by taking a second job, with Eastco Building Services, maintaining and repairing apartments owned by the New York City Housing Authority ("NYCHA"). *See* Ex. A (December 2022 paystub). That job allowed Edwin to provide more for Aleida, who is expecting the couple's first child in February. But Edwin also saw an opportunity for growth, and recently applied for a full-time position with NYCHA as a maintenance worker. The role entails a modest pay cut, but Edwin was eager to accept that short-term cost in exchange for better retirement and healthcare benefits that will serve his growing family in the years to come. NYCHA offered Edwin the position last month, and he started on January 17. *See* Ex. B (offer letter); Ex. C (email confirming start date). Edwin will not rest on his laurels, though; he has already begun to study for an examination given by New York City that would qualify him as a civil-service carpenter and allow him to boost his pay above \$50 per hour. *See* Ex. D at 1 (listing standard pay for carpenters who have passed the examination). He plans to sit for the test in August.

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For Edwin, fixing up people's homes and meeting those he is helping are their own rewards. But he especially enjoys that the job allows him to talk with teenagers he meets in and around the buildings where he works. When time allows, he will explain his own history to emphasize that danger lies down the wrong path, but there are fruitful opportunities beyond the mental and physical confines of the streets—and maybe his company is hiring. The same impulse led Edwin last summer to go with a group to the Thomas Jefferson Houses in East Harlem (the locus of his offense), set up a table, and encourage kids in the right direction by handing out backpacks and other school supplies.

Meanwhile, Edwin's family ties remain strong. As noted above, he and his wife Aleida are expecting their first child, a boy, next month. He maintains a warm relationship with Michele and their daughter; he sees his daughter, now 15 years old, every day, and keeps close tabs on her academic progress. He also regularly travels to Trenton to see his mother, who has recovered from her hemorrhage and now lives on her own.

In sum, after complying in full with his bail conditions, Edwin has demonstrated “exceptionally good behavior” on supervised release. *United States v. Lussier*, 104 F.3d 32, 36 (2d Cir. 1997). He “has been not only fully compliant with the terms of his supervision but also has taken considerable strides in reintegrating into his community through employment and service to his family,” and to his community. *United States v. Erskine*, No. 05 Cr. 1234 (DC), 2021 WL 861270, at *2 (S.D.N.Y. Mar. 8, 2021) (Chin, J.); *see also United States v. Rentas*, 573 F. Supp. 2d 801, 802 (S.D.N.Y. 2008) (discussing similar “exemplary law-abiding behavior”). In these circumstances—and with no opposition from the Probation Office or the government—we respectfully submit that discontinuing Edwin's supervision is appropriate.

Respectfully,



David B. Anders

The application is **GRANTED**.
So Ordered.

cc: AUSA Christopher Clore


2/13/23